

MARKEM-IMAJE CORPORATION,
Plaintiff,
v.
ZIPHER LTD.
and
VIDEOJET TECHNOLOGIES, INC.,
Defendants.

After considering the parties' Motion for Order Dismissing Claims and Relief Related to Issues of Willful Infringement and Ownership, the Court is of the opinion that said motion should be GRANTED.

1. Plaintiff Markem-Imaje Corporation's ("Markem's") claims and allegations that Markem owns or otherwise has rights in the '572 patent, are hereby DISMISSED with prejudice, including COUNTS I, II, and V of Markem's First Amended Complaint and Demand for Jury Trial, filed August 17, 2007, the relief requested in paragraphs A, B, C, D, E, and H of the Prayer for Relief of the First Amended Complaint, and as alleged in paragraphs 12, 16, and 17 of the First Amended Complaint, with each party bearing its own costs and attorneys' fees;

2. Defendants Zipher Ltd.'s and Videojet Technologies, Inc.'s claims and allegations that Markem willfully infringed and willfully infringes the '572 patent are hereby DISMISSED with prejudice, including as alleged in paragraph 15 of Defendants' Answer to First Amended Complaint and Affirmative Defenses, Amended Counterclaim, and Jury Demand, filed September 10, 2007 where Defendants Counterclaim for Infringement of the '572 patent, and including the relief requested in paragraph I of their Prayer for Relief in Defendants' Answer to First Amended Complaint and Affirmative Defenses, Amended Counterclaim, and Jury Demand, filed September 10, 2007, with each party bearing its own costs and attorneys' fees.

Dated: June 9, 2009

/s/ Paul Barbadoro

Paul Barbadoro
United States District Judge

cc; Counsel of Record